

How to Organize a Prescribed Burn Association

A Prescribed Burn Association (PBA) is a partnership between a group of landowners and other local citizens to conduct prescribed fires; in other words, neighbors helping neighbors to safely and effectively conduct a prescribed burn. Prescribed burning is a key land management practice used to restore and maintain native plant communities to their former diversity and productivity for livestock production and wildlife habitat, along with reducing fuels and damage from wildfires. Native prairies, shrublands and forests supply the majority of livestock forage and wildlife habitat in Texas. Without fire, native plant communities become dysfunctional and unproductive. Research has clearly shown there is no substitute for fire. Texas' ecosystems are fire dependent and excluding fire is a poor land management decision.

So why don't more people use prescribed fire to manage their land? Fire was not part of the European culture that has dominated the Texas landscape for more than 1000 years. Fire exclusion and fire suppression has been ingrained in our society for years and popularized by the very successful *Smokey Bear* ad campaign. The results of this successful ad campaign have been a rapid decline in the quality of our native flora and fauna and costs taxpayers billions of dollars each year to fight wildfires.

There are four often-used concerns when people are asked, "Why don't you use prescribed fire?" First is liability. Liability should be a concern, but not to the point of inaction. There is little evidence in case law that properly conducted prescribed fires have resulted in significant sums of money being exchanged as a result of damages. Hiring a licensed Commercial Certified and Insured Prescribed Burn Manager (CCIPBM) will reduce your liability. However, depending on the size of the burn, hiring a CCIPBM may not be cost effective or the landowner may want to apply fire themselves. Much of the perception of risk is generated by media coverage of wildfires, which have nothing to do with prescribed fire. Secondly, "I do not have enough training or experience." Followed by "I don't have enough people to help me," and "I don't have enough equipment." All of these answers will result in not burning, reducing the quality of land stewardship. This can put an Ag business in jeopardy or require spending large sums of money to reclaim the land from brush encroachment.

Forming a PBA directly addresses three of the concerns for not using prescribed fire. Most people do not realize they might already have insurance to assist with liability. This insurance may be available or even included with most farm and ranch liability policies. Be sure to check your policy or with your insurance agent to see to what extent you are covered. There may also be a limited number of stand-alone prescribed fire liability policies.

The most effective management of risk and liability is having the proper training, experienced help and adequate equipment. Forming a PBA can assist the landowner with providing these three requirements necessary for a successful prescribed fire. PBAs host workshops and trainings and members help other members conduct burns. This hands-on assistance allows each member to gain experience and confidence with

prescribed fire. Because neighbors are helping neighbors, hiring labor is not necessary. Prescribed Burn Association members pool their equipment so no one person has to buy all the equipment needed to burn. One person may have a drip torch, another a slide-in cattle/herbicide sprayer, another a four-wheeler and yet another has a tractor and disk for preparing firebreaks. There may also be grants available that a PBA can utilize for equipment purchase, as well as hosting training and educational events. With the proper equipment and added manpower, prescribed burns can be more effectively and safely conducted by the landowner.

Starting a Prescribed Burn Association

First, call a meeting of interested citizens. Make sure to involve key members of the community (county officials), landowners, lessees, federal and state land management agencies and local fire departments. The association has to be a locally led organization. Government organizations are there to provide support through technical assistance and guidance, which is very important to the PBA. A leader(s) must be identified. If no one from the community steps forward to lead and encourage others, the association will not be successful. The PBA will only be as good as the involvement of its members.

Next, develop a set of goals and objectives. The following goals are common among all the active PBAs:

- Identify resources available to conduct prescribed fires
- Identify how to share equipment
- Identify how to recruit necessary labor for a fire
- Train our membership
- Foster good relations between neighbors and within the community regarding the use of prescribed fire.

Goals and objectives help define what an association should do and helps establish a solid platform for communication among members. Teaching landowners and managers how to use prescribed fire safely and conduct educational events regarding the use and application of prescribed fire are also goals that each PBA should consider.

Finally, and most importantly, to have an effective PBA, it is critical to gain the support of the community. Therefore, there should be serious thought put toward how the PBA will operate. Loosely formed attempts are not only unsuccessful in accomplishing land management goals, but they garner no respect from the community. Contacting the leadership of an existing successful PBA or simply visiting their website can result in some extremely beneficial advice for those in charge of setting up a new PBA. The following guidelines have been used by the many of the current PBAs.

Guidelines for Prescribed Burn Associations

- Elect leaders, either officers (President, Vice-President, and Secretary and or Treasurer) or a Board of Directors (one or two from each county if multiple counties are involved). Landowners or lessees' (landholder) only should be eligible for election. Agency or university personnel are there to provide technical assistance.
- Set dues (\$25.00/year) for equipment purchase, and maintenance, along with funding meetings and training events.
- Host an annual fire training program to address safety, equipment use and prescribed burning techniques.
- Require written burn plans for each burn, the landholder can get help from agency or Extension personnel as needed. Identify contingency plans for each prescribed fire conducted
- Landholder still assumes liability for the burn and must show proof of insurance prior to burning. The PBA does not conduct the burn, it provides assistance through equipment and labor.
- Landholders are responsible for preparing firebreaks, which must be adequate for the burn unit.
- Establish a minimum number of personnel and what equipment must be present on each burn.
- Maintain an inventory of available equipment, who can use it and who is responsible for maintenance and repairs. Each member must assist with a certain number of burns before they are eligible for PBA assistance with a burn on their property.

All state and local laws will be followed when conducting each burn.

The landholder is the burn boss on their property and will assume the liability for the prescribed fire. A more experienced person can assist if needed. The liability is placed on the landholder because they are receiving the benefit of the fire.

Some PBAs have been very successful partnering with their local rural fire department. These partnerships have included being able to rent or use equipment for conducting prescribed burns, as well as having the local rural fire department present with additional manpower and equipment for burns. Involving the local rural fire department provides a twofold benefit, first the additional manpower and equipment adds an extra level of safety and risk management to the burn and second, it can provide fire training to fire department personnel. Firefighters do not often have the opportunity to watch and learn fire behavior because they are actively suppressing fires. By allowing firefighters to assist on prescribed burns, they can learn about fire behavior in a controlled environment that will enable them to improve their skills for suppressing wildfires.

Each PBA and local rural fire department partnership is different and depends on fire department policy and perceptions of prescribed fire. For example, some PBAs have been allowed to use a fire truck belonging to the local rural fire department. In one

instance, the local rural fire department rented the truck to a PBA for one year. The benefit to the PBA was obvious, so the local rural fire department sold it to the local conservation district for \$1.00 so it would be available to the PBA anytime members conducted a burn.

Some local rural fire departments require a donation or rental fee for trucks and personnel. On the other hand, a few local rural fire departments are adamantly opposed to prescribed fire use, but this should be viewed as a learning opportunity for all and hopefully worked through with education and cooperation. Ultimately joining forces with a local rural fire department is a benefit to both parties. It gives the burn association added equipment, personnel and safety, while it gives the local rural fire department training time, possible added income and community service. In addition, both parties have a positive impact on our natural resources and community safety.

Another benefit of a PBA is strength in numbers for influence on state and local policy and laws. Many PBAs are allowed to burn during county burn bans due to their influence and proven ability to safely and effectively use fire. NOTE: There is a strict protocol under which burn ban prescribed fires may take place. When members of the community band together with the same goals, while safely applying fire to the landscape, many community members will lend their support. They will also enjoy the benefits of prescribed fire in their area including reduction of wildland fuels for wildfire protection, enhanced native wildlife and plant habitat, enhanced livestock habitat, improved water quality and quantity and elimination of eastern redcedar. An equally important aspect of forming an association is public education, especially for youth, providing benefits for future generations.

At this time (2022) there are 16 prescribed burn associations and chapters in Texas representing 86 counties. For information about membership in these associations or forming one in your area contact your local Cooperative Extension office (<https://counties.agrilife.org>), USDA-Natural Resources Conservation Service field office or the Prescribed Burn Alliance of Texas website at www.pbatexas.org.

Prescribed Burn Alliance of Texas

Formed in 2011, the Prescribed Burn Alliance of Texas (PBAT) is a 501(c)3, not-for-profit organization created to support existing local PBAs and develop new PBAs across the state. The goal of PBAT is to provide Texas landowners with access to support, training and equipment to safely apply prescribed fire on their lands. PBAT has had several accomplishments to date:

- Provided a mechanism to unite Prescribed Burn Associations and agencies from across the state to encourage prescribed burning.
- Influenced liability legislation to protect private landowner burns.

- Provided a website to communicate with PBAT members and to point landowners to information on forming a PBA, training opportunities, and other information.

Starting a PBA:

Step 1: Develop and adopt bylaws and guidelines for local PBA. These must be consistent with PBAT bylaws if the local PBA wants to affiliate with PBAT.

Step 2: Conduct a business entity search at sos.state.tx.us/corp/ to ensure the name of your association is not in use. This is the Texas Secretary of State web site. Select SOSDirect to conduct a name search. You will need to create a login and password.

Step 3: Complete Certificate of Formation Nonprofit Corporation (\$25 fee): sos.state.tx.us/corp/. Select "Business Forms" under Business Services. Then, select Certificate of Formation for a Nonprofit Corporation (Form #202). Follow the Certificate of Formation instructions included in the document. File this form with the Texas Secretary of State.

Step 4: Obtain Employer Identification Number (EIN). There is no charge if using the IRS web site: <https://irs.ein-tax-id-number.com/application/>

Step 5: Set up bank account. You will need your EIN and Articles of Incorporation or bylaws. Check with your bank for all required paperwork.

Step 6: Complete IRS Form 1023 or, if your organization is eligible, Form 1023-EZ. Go to irs.gov and enter "Form 1023" in the search field. Submit this form to the IRS.

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